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09/982,244	10/17/2001	Michael H. D'Amico	13253US01	7628

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EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/25/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,244

Applicant(s)

D'AMICO ET AL.

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,11-31,33 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,11-31,33 and 35-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9, 11, 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 9 and 27 as amended state “wherein the preference comprises a preference authorizing the player to be located by another player...”. The specification describes how the overall system would locate the player but does not mention “another player” locating a player. Consequently, the claims contain new matter that was not previously presented in the specification. Claims 11 and 28 inherent the deficiency of claims 9 and 27 due to their claim dependency.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: from what and where are the menus being sent. The claim states, "the first display displays the first and second menus sent to the first display." However, it is unclear as to what is doing the sending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 12, 13, 15, 24-26, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al., U.S. Publication No. 2003/0054868 A1 in view of Paulsen, U.S. Publication No. 2002/0142846 A1 in view of Dubno et al. U.S. Patent No. 4,722,053. Paulsen 2003/0054868 discloses a gaming system comprising memory, a service station and a first gaming location enabling play of a game by a player. An apparatus enables communication with the service station and the first gaming location. An interactive first communication unit is operable from the first gaming location and includes a first display visible from the first gaming location and displaying

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a message unrelated to the play of the game without interrupting the game (See Paulsen 2003 Figs. 1 & 3C). A first menu displays a plurality of first menu items and a second menu responsive to selection of at least one of the first menu items by the player. The second menu displaying a plurality of second selection items available for selection by the player. The second menu is displayed at the first gaming location (See Paulsen 2003 Figs. 3C ¶0066). The first display comprises a touch screen display (See Paulsen 2003 ¶0034). The first gaming location comprises a gaming machine and the first display is coupled to the gaming machine (See Paulsen 2003 Fig. 1). A keypad is also operable from the gaming location. Consequently, the step of generating messages at the first gaming location comprises entering data from the keypad. (See Paulsen 2003 Fig. 4A). Furthermore, the message includes generating an image of at least one of a numeric input and an alphabetic input and generating a message in response to touching the image. The first communication unit displays an image on the first display suitable for entry of at least one of numeric data and alphabetic data by touching the first display (See Paulsen 2003 Fig. 3E). The first menu displays a plurality of types of personal service available according to the preferences of the player. Furthermore, the second menu displays a plurality of reservation services available. Therefore, the first display displays the first and second menus sent to the first display (See Paulsen 2003 Fig. 3C; ¶0061). The preferences of the player may comprise authorizing the first player to be located. For example,

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when a player authorizes the casino to enroll them in the player tracking program, the preference of allowing the casino to locate the player is now stored on the tracking card. A code corresponding to the first player can be read from the card. Stored preferences are accessed in response to the code. An identification of the location of the first player is generated (See Paulsen 2003 ¶0049-0051). Paulsen 2003 discloses that the gaming services are customized to the player's preferences but lacks in stating that the preferences are stored in memory.

Paulsen 2002/0142846 A1 teaches of an interactive game playing preferences in which player preferences are stored in a player account, i.e. memory, before any game play. The preferences are implemented in the gaming machine upon game play. A first menu displays a plurality of types of personal service available according to the preference of the player (See Paulsen 2002 ¶0010, ¶0033). It would have been obvious to one of ordinary skill in the art to store the player preferences in memory before the preferences are implemented in the gaming machine. By storing the preferences in memory, they can be recalled at any time and the player does not have to customize their preferences every time they play the game. Upon calling up a player's preferences from memory, they are immediately added to the game environment. Paulsen lacks in disclosing a second communication unit operable from the service station.

Dubno et al. teaches of a video game and service station in which an interactive second communication unit is operable from the service station and includes a second display visible from the service station. Furthermore, a network is arranged to transmit data so that messages are displayed on the first display and the second display. The second communication unit displays an image on the second display suitable for entry of at least one of numeric data and alphabetic data. Consequently, messages are generated at the service station and the service station displays messages interactively. The generated messages are transmitted (See Dubno Figs. 1 & 3; col. 2 lines 15-20, 61-67). Furthermore, the second display displays a message comprising data entered by a keypad (See Dubno col. 3 lines 46-52). The message generated at the service station comprises a message generated at the first gaming location (See Dubno col. 2 lines 61-67). For example, if a player places an order the kitchen staff can respond to that message that they are out of that item. Consequently, a message generated at the first gaming location can comprise a reply to a message generated at the service station. For example, the player may place a second order when they are told that their first order is not available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second communication unit operable at the service station in the invention of Paulsen. When a player requests a service, such as food, it is obvious that the food authority would respond back to the player confirming the player's order. Also the use of a second display at the service

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station allows them to visually see the orders in order to fulfill them. It would have also been obvious for the second display to be a touch screen display. Touch screens are common throughout the art and simplify the inputs that a user must use to enter in a selection.

Claims 14, 16, 17, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al., U.S. Publication No. 2003/0054868 A1 in view of Paulsen, U.S. Publication No. 2002/0142846 A1 in view of Dubno et al. U.S. Patent No. 4,722,053 in further view of Kirmse et al., U.S. Patent Publication No. 2002/0086732 A1. Paulsen and Dubno lack in disclosing entering a player's name for message transmission. Kirmse et al. teaches of an instant messaging system used during game play. A first display displays a message enabling the player to enter a name of a person and a message wherein the network transmits the message to the named person (See Kirmse Figs. 8-10; ¶0036). For example, a player must first type the name of a person in their buddy list prior to sending a message. Furthermore, the first gaming location is arranged to accommodate a first player and wherein the first communication unit enables entry by the first player of at least one of a name of a second player and a second player code which comprises a player ID number and enables entry of a first message (See Kirmse Figs. 8-10; ¶0052-¶0055). A central authority oversees the messaging. A second gaming location is arranged to accommodate a second player, an interactive third communication unit operable from a second gaming location, including a third



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display visible from the second gaming location. The third communication unit enables entry by the second player of at least one of a name of the first player and a first player code and enables entry of a second message. The central authority is arranged to identify the first gaming location in response to at least one of the name of the first player and the first player code and is arranged to identify the second gaming location in response to at least one of the second player name and second player code. The network is arranged to transmit data resulting in display of the first message on the third display and is arranged to transmit data resulting in display of the second message on the first display (See Kirmse Figs. 1-4, 11E). For example, two players are playing games on their separate computer stations wherein both may exchange instant messages with the other during game play. The players must enter the player's name and code, i.e. ID number into their computer prior to any messaging being sent. It would have been obvious at the time the invention was made to allow players to exchange messages while playing games. Instant communication has been well known throughout the art for some time. Everyone wants to communicate with one another at a seconds notice and while doing or playing things. Consequently, it is obvious for players to communicate with each other during game play so that they can talk about the game or other things.

Claims 18, 19, 21, 22, 41, 42, 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirmse et al., U.S. Patent Publication No. 2002/0086732 A1. Kirmse et al. discloses a gaming system comprising a

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first gaming location and a second gaming location. An apparatus is used for enabling communication between the first and second gaming locations. An interactive first communication unit is operable from the first gaming location and arranged to accommodate a first player. The first communication unit includes a first display visible from the first gaming location and enables entry of at least one of a name of a second player and a second player code, i.e. ID number, and enabling entry of a first message. An interactive second communication unit is operable from the second gaming location and arranged to accommodate a second player. The second communication unit includes a second display visible from the second gaming location and enables entry of at least one of a name of the first player and a first player code comprising a player ID number and enabling entry of a second message (See Kirmse Figs. 8-10; ¶0052- ¶0055). For example, two players are playing games on their separate computer stations wherein both may exchange instant messages with the other during game play. The players must enter the player's name and code, i.e. ID number into their computer prior to any messaging being sent. A network is used to transmit data resulting in display of a first menu including the first message and the name of the first player on the second display. The first menu enables selection of a reply menu allowing the second player to enter a reply message to the first player. The network is also arranged to transmit data resulting in display of a second menu including the second message and the name of the second player on the first display. The second

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menu enables selection of a reply menu allowing the first player to enter a reply message to the second player (See Kirmse Fig. 15). Consequently, through using the instant messaging system, both players may write messages and respond to messages received. A central authority is arranged to identify the first gaming location in response to at least one of the name of the first player and the first player code and arranged to identify the second gaming location in response to at least one of the name of the second player and the second player code (Figs 3 & 4). For example, the message cannot be sent unless they know the IP address of the computer to send it to. It is clear that an alphanumeric keypad operable from the first gaming location is used wherein the second messages comprises data entered by the keypad. It is well known that personal computers have keyboards and displays.

Claims 20, 23, 44, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirmse et al., U.S. Patent Publication No. 2002/0086732 A1 in view of Paulsen et al., U.S. Patent Application No. 2003/0054868 A1. Kirmse further discloses that both the first and second communication units display an image on one of the first and second displays suitable for entry of at least one of numeric and alphabetic data. Kirmse lacks in disclosing using a card reader. Paulsen et al. 2003/0054868 A1 teaches of a gaming system, which comprises a central authority. A first card reader is operable from the first gaming location and a second card reader is operable from a second gaming location. The first and second card readers are operable

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to read a code from a card entered by a player. The central authority identifies the first gaming location based on the code read at the first location and identifies the second gaming location based on the code read at the second location (See Paulsen 2003 Fig. 4A; ¶0044). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a card tracking system in the invention of Kirmse. As previously stated players are identified at a first location based on information input at a second location or players are identified at a second location based on information input at a first location. For example, a player enters another players ID at one location and the player is identified at a separate gaming location. By using tracking cards, one could locate players based on their card number instead of their IP address or username. Furthermore, the card can hold other information valuable to a player. Kirmse further lacks in disclosing a touch screen display. Paulsen clearly teaches of the uses of touch screen displays (See Paulsen 2003 Fig. 1). It would have also been obvious for the displays to be touch screen. Touch screens are common throughout the art and simplify the inputs that a user must use to enter in a selection.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al., U.S. Publication No. 2003/0054868 A1 in view of Paulsen, U.S. Publication No. 2002/0142846 A1 in view of Dubno et al. U.S. Patent No. 4,722,053 in further view of Giraldin et al., U.S. Patent No. 6,424,264 B1. Paulsen and Dubno lack in disclosing using a map. Giraldin et al. teaches of a

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system for locating people. The system may be used in casinos for locating people using a map (See Giralдин col. 1 lines 57-59; col. 2 lines 49-64). It would have been obvious to one of ordinary skill in the art to use a map to locate game players so that others who are interested in finding the players can look at a map and be able to know the exact location of the individual they are searching for.

### ***Response to Amendment***

It has been noted that claims 1, 9, 12-16, 18, 20, 24, 27, 33, 36 and 37-41 have been amended.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

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is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700

  
Julie K Brockett  
Examiner  
Art Unit 3713